

HEBER CITY CORPORATION
75 North Main Street
Heber City, Utah
Planning Commission Meeting
Thursday, March 13, 2014

6:00 p.m. - Regular Meeting

Present: Planning Commission: Darryl Glissmeyer
David Richards
Harry Zane
Kieth Rawlings
Mark Webb
Michael Thurber
Stacie Ferguson

Absent: Clayton Vance

Staff Present: Planning Director Anthony Kohler
Planning Secretary Karen Tozier
City Engineer Bart Mumford

Others Present: Todd Cates, Andrew Cates, Joshua Steffen, David Spriggs, Reid Dickson, and Nick Blayden.

Chairman Rawlings convened the meeting at 6:00 p.m. with a quorum present.

Pledge of Allegiance: Andrew Cates

Minutes: February 13, 2014, Regular Meeting

Commissioner Glissmeyer moved to approve the February 13, 2014 Regular Meeting Minutes. Commissioner Thurber seconded the motion. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, and Richards. Voting Nay: none. The motion carried.

Item 1 **PUBLIC HEARING for proposed amendment to the Heber City Municipal Code, Section 18.72.030 "Parking Spaces Designated", which would require at least three parking spaces per one thousand square feet of floor space in the C-3 Central Commercial Zone for retail, office, restaurant and government uses and allow that one-half (1/2) of available angled on-street parking along a parcel's frontage may be counted towards the requirements for meeting the off-street parking requirements for said uses within the C-3 Central Commercial Zone.**

REQUEST

This winter, the Planning Commission discussed the possibility of allowing some on-street angled parking to be included in the calculation for off-street parking. Part of the rationale in doing this is to promote property owners and developers in the downtown to construct angled parking because this usually results in twice the amount of available on-street parking versus parallel parking.

The proposed amendment would amend the typical ratio of five stalls to 1,000 square feet of floor space to three stalls for every 1,000 square feet of floor space in the C-3 Commercial Zone the standard for retail, office, restaurant, and government uses and allow that one-half (1/2) of available angled on-street parking along a parcel's frontage may be counted towards the requirements for meeting the off-street parking requirements for said uses within the C-3 Central Commercial Zone.

DISCUSSION

- Staff asked the Commission to consider applying these changes to the C-2 Commercial Zone also;
- Part of this discussion would apply to the new Public Safety Building;
- The rationale is to double the on-street parking; you get almost double the parking with angled parking as you do with parallel parking which equates to approximately 40 parking stalls if 90 degree angle parking is used and 37 stalls if 45-60 degree angle parking is used. If there are driveways to the property this will change those numbers.
- If the amendments are adopted the City will need to determine which streets and areas this will apply to;
- There may be problems with long-bed trucks parking in angle parking;
- A plan for the downtown area is forthcoming.

Chairman Rawlings opened the public hearing. There was no one present who wanted to comment and Chairman Rawlings closed the public hearing.

MOTION

Commissioner Zane moved that we recommend approval of the Section 18.72.030 "Parking Spaces Designated", to incorporate the changes in Item P and adding on C-3 which is Item V and item W which is one half of available angled on-street parking and also that it include the C-2 Zone. Commissioner Glissmeyer seconded the motion. Commissioner Thurber thought they could not approve this yet. He thought they needed to decide which streets they could use; street width is part of the equation in determining where the parking strategy could be employed. Bart Mumford indicated there are some guidelines in the code at 10.16.025 Angle Parking. Discussion that the code indicated that angle parking needs to have a certain amount of feet. A map will be forthcoming at the next meeting; this could be tabled until they see the map. Commissioner Webb arrived at 6:14 p.m.

VOTE

	AYE:	NAY:	ABSTAINING:	ABSENT
Stacie Ferguson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Darryl Glissmeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kieth Rawlings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Richards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Thurber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Webb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harry Zane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The motion carried.

Item 2 **Red Ledges requests Subdivision Final Approval for Red Ledges Phase 2G located in the Red Ledges Project on Club Cabins Court**

REQUEST

Red Ledges is proposing Phase 2G consisting of 10 patio lots with maintained common space surrounding the building pads and maintained limited common area in front of the building pads.

Anthony Kohler indicated a temporary access road is needed or the cul-de-sac will be longer than permitted. Red Ledges is still working on a loop system. Staff would like discussion on the trail and to urge Red Ledges to commit to a time of completion. Commissioner Ferguson arrived at 6:30 p.m.

DISCUSSION

The Planning Commission discussed the following points:

- Todd Cates of Red Ledges presented information.
- Trail:
 - The area where the trail is planned to be constructed is steep (18%); erosion is a concern and erosion control would be helpful. A switchback may be necessary and more land would be needed to do this. How much land is needed for a switchback?
 - The trail is adjacent to the Bond property. An agreement with the adjacent property owner, the Bonds, to come up with a feasible plan for a future date was one option suggested for the trail. Todd Cates indicated they were more than happy to discuss this with the Bond family however he was concerned over committing to a date.
- Open Space:
 - The conservation easement and deed were discussed. Cates gave history on what had been worked out with Wasatch County; the compromise was to have the Red Ledges Home Owners Association hold the 400 acre deed and for Utah Open Lands to hold the conservation easement. Red Ledges is working toward Utah Open Lands holding the conservation easement. At this time the ball is in the County's Court. Wasatch County Council wants to meet as a small committee with the County Attorney and compare the new conservation easement as written by Utah Open Lands versus what was agreed to under the Interlocal Agreement and then look at any provisions they might be concerned with.
 - August 1, 2014 was discussed as a possible deadline date with Wasatch County regarding the open space requirement for a third party to manage the open space.
- Access and roads discussed; option of crash gate/emergency exit, temporary turnaround or exit. This would be installed for now. Red Ledges is working out the final plans. They need this because the road exceeds the permitted length. A loop was discussed; Red Ledges will double check the road length. Pavement was mentioned. The secondary access will have to be plowed because it is an emergency exit.
- Storm drain plans will be done with the construction drawings.

MOTION

Commissioner Webb moved that we make a motion to recommend final approval for Red Ledges 2G located in the Red Ledges project on Club Cabins Court pending that it meet all applicable codes, engineering requirements and that Red Ledges look at setting a deadline for the easement and in working with Utah Open Lands (by) August 1st and also that they take steps in dealing with the property owned by the Bonds and coming up with a solution for the equestrian trail by August 1st. And conditional upon meeting recommendations 2, 3 and 4 from the Staff Report.

Applicable Codes referenced in the motion are as follows: The proposed Phase 2G is consistent with the Red Ledges Master Plan, the PC Planned Community Zone, Interlocal Agreement, and the Master Plan Agreement. Commissioner Zane seconded the motion.

Staff Recommendation 2-4 from the Staff Report:

2. Provide an updated title report prior to recording the plat;
3. Provide addresses for the lots on the plat;
4. Provide a tax clearance from County Assessor prior to recording the plat.

Bart Mumford asked if the motion included meeting the requirements of the engineering report. Commissioner Webb confirmed that his motion had included as a condition of approval that the engineering requirements and staff requirements be met.

VOTE

	AYE:	NAY:	ABSTAINING:
Stacie Ferguson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darryl Glissmeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kieth Rawlings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Richards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Thurber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Webb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harry Zane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Item 3 **T.S.C. requests Commercial Development Approval - Final for a building located at 1200 South 380 East in the Heber Gateway Plaza**

REQUEST

The Petitioner is requesting approval of a 21,930 square foot retail center at 400 East 1200 South. The property is located within the C-2 Commercial Zone. The proposed development involves unsubdivided land adjacent to Heber Gateway Plaza Phase 1 and utilizes the eastern entrance to that subdivision. On February 27, 2014, the Planning Commission granted Concept Approval to the proposed development.

Anthony Kohler indicated there have been changes to the elevations and the site plan. Two issues that need to be discussed is do they have the authority to access the driveway through Heber Gateway Plaza; Staff does not have a letter from them yet. The second discussion needed is on the vacancy and maintenance plan agreement required by the design criteria. Petitioner's counsel is present to discuss this.

Reid Dickson of Infinity Consultants and Architect, Nick Blayden presented information for the Petitioner. Dickson indicated they still had a document forthcoming on the access off 380 East. He reviewed changes to the site plan; parking and trailer parking had been moved. The landscaping plan was new and was shown and reviewed. The landscaping was shown with shrubs instead of a masonry wall around the loading area. Landscaping around the detention area was not shown but they could address this.

DISCUSSION

The Planning Commission discussed the following points:

- Trees should not be too large or drop fruit; in the four foot wide planter strip on 1200 South either no trees or trees that will not be problematic.
- Parking; the Petitioner does not have a study although they have indicated they have data to show that the reduced parking area works. They wanted the motion to state that with a parking study they will allow less parking stalls. The location of where stalls would be removed was shown.
- Architecture:
 - Materials and the awning were discussed. The Architect had taken out the faux windows and put in brick pillars that were 4' wide and 10" deep. There was a comment to add faux doors. The Petitioner voiced concern over cost and meeting City requirements.
- Discussion and debate was held on the design criteria, placement of the building on the lot, and architectural details because there was disparity between the Commissioners opinions on these topics. Some Commissioners thought the building should be pushed back away from the street with the front of the store facing the street; others wanted it left where it is but to add architectural details such as faux windows and wrapping the entrance around the north elevation.
- Dark Store Vacancy: David Spriggs of Hicks Nebeker, Counsel for the Petitioner, indicated the Petitioner has heartburn with the 12 month redevelopment requirement by the City. He indicated that there were three items that were financially cumbersome for both financing and for anybody that wants to own property for a long time.
 - First after 12 months of vacancy the owner has to approach the City with a redevelopment plan if they fail to do so the City has the right to come up with their own redevelopment plan/agency to redevelop the site. They feel that they don't have simple ownership of the site because of the City's ability to come in and do this.
 - Second, 90 days after vacancy the owner has to pay 20 cents a square foot a year which is increased by cpi until such time that it is occupied.
 - Third, the developer of the site has to issue a cash bond to cover any maintenance or redevelopment of the site if it goes dark. In the event that redevelopment is undefined it is not good. As this stands in its current form it would prohibit them from obtaining the financing to complete this or finding the long-term holder of the property as well.
- The concern over dark store was on larger stores and perhaps this does not apply to smaller stores such as 20,000 square feet. Discussion to prioritize this, make this change to the square footage and then later this year the Commission can go through the design criteria and make changes as has been discussed at the past few meetings. A straw poll was taken and the Commissioners unanimously thought a change should be made to the dark store vacancy agreement. Discussion on options as to how to proceed with respect to the dark store agreement.

MOTION

Commissioner Richards moved that we recommend final approval for the development consistent with the C-2 Commercial Zone and C-2 and C-4 Design Criteria, and Title 17 Subdivisions, conditional upon the following:

1. Trash enclosure be screened on all four sides with brick material from building.

2. Rear loading zone be screened from 1200 South and property to east with evergreen shrubbery.
3. Outdoor storage and display areas be screened with wrought iron and brick pillar fencing.
4. Sidewalk connection be provided from building to 1200 South as proposed.
5. Crookneck lighting be utilized as proposed on the building elevations.
6. Detention pond be professionally landscaped with a combination of lawn, ground cover, and/or rock, and not just be a pit dug into the earth.
7. Petitioner shall submit the following:
 - a. Prior to building permit, provide written evidence of authorization for utilization of the Heber Gateway Plaza Phase 1 Driveway.
 - b. Submit for approval to Planning Commission and City Council, a vacancy, development and maintenance agreement between the property/building owner and the City consistent with Section 111 of the Design Criteria required for all buildings larger than 15,000 square feet at this time prior to certificate of occupancy being issued.
8. Parking could be reduced by 10 spaces based upon a parking study being submitted to Staff.

Commissioner Glissmeyer seconded the motion. There was clarification that the on Condition 1 that this be amended to state the trash enclosure be screened on three sides with brick material from building.

VOTE

	AYE:	NAY:	ABSTAINING:
Stacie Ferguson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darryl Glissmeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kieth Rawlings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Richards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Thurber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Webb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harry Zane	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The motion carried.

Item 4 **Lee Burbidge discussion on zoning and land use of old Questar facility located at 167 West Center Street.**

REQUEST

Questar has abandoned their facility in Heber City and moved their regional headquarters to Summit County. Questar is marketing this property for sale. The property is currently located within the R-3 Residential Zone and Infill Overlay Zone. Questar is trying to understand some options for their property as they offer it for sale. One potential buyer would like to use it as an office for a development company, but that is not permitted by the current zoning.

Significant non-residential uses exist on the block that makes it less than desirable to redevelop this property residentially through the infill zone. These uses include the Catholic Thrift Store, Century Link Building, a triplex, and the RC Residential Commercial Zone along 100 South. The block is centrally located on Center Street near Main Street and 100 South, in an area tentatively under consideration by the City for significant changes to the master plan to promote the downtown with mixed-use development and infill. However, that effort is still in its infancy. The Petitioner of this discussion would like some general feedback from the Planning Commission before submitting a formal re-zone request.

Lee Burbidge spoke about his business and their plans for their development and construction company.

DISCUSSION

The Planning Commission discussed the following points:

- Permitted uses in the current zoning were discussed. The option of going to the Board of Adjustment was mentioned. The question was asked; why not allow an office of a development company?
- Options were discussed as listed in staff report :
 1. Amend the General Plan to designate the block as Downtown Commercial, and grant a zone change on this property to the C-3 Commercial Zone;
 2. Consider applying the Residential Commercial Overlay Zone that applies to 100 South. This overlay zone permits the following uses: Single Family Residential Use; Bed and Breakfast; Office use, such as: attorneys, public accountants, architects, and doctor's offices; Craft and Curio Shops; Photography Shops and related uses; Business and Computer Schools; Home Occupations - see code for conditions and limitations; Travel Agencies; Utility Office; Nursery schools, family day care, mini-day care, and day care centers if they meet the conditions set forth in Chapter 18.86; and/or
 3. Consider the future use of the property in the upcoming downtown general plan amendment and associated code amendments to implement the general plan update. This option has the disadvantage for the petitioner in taking several months to complete but is a good option long term.
- Some Commissioners were not opposed to including this block in the general plan amendment;
- Another option was to apply the R-3 Overlay Zone to the north side of the block in the interim;
- Discussion on ideology: there are doctors offices left vacant in residential zones. A Planned Community Mixed Use Zone concept could be used in the rest of the City where there is vacant land. This should include light office use.

- The Commission was amenable to changing the zoning to the Residential-Commercial Overlay Zone.

Item 5 **Discuss Proposed Transfer of Open Space (TDR) Ordinance**

INTRODUCTION

In 2009 Wasatch County adopted a Transfer of Development (TDR) Ordinance. The attached brochure, created by the Wasatch Tourism & Development, summarizes some of the issues for TDRs in Heber Valley. The County has requested Heber City adopt a similar ordinance, and Heber City's Open Space Element of the General Plan recommends the same. In past discussions, the Planning Commission requested that TDR efforts go into preserving just the Northfields, not other areas of the County.

A TDR strategy first identifies a Sending Zone from which development densities are transferred to maintain an existing Sense of Place. In past workshops with Wasatch County, residents expressed a general desire to maintain the agricultural Sense of Place in the North Fields. Ultimately these workshops resulted in adoption of the county's and city's Open Space Element of the General Plan, as well as Wasatch County's TDR Ordinance. To date, Heber City has not adopted a TDR Ordinance, though the General Plan recommends that one be adopted. Secondly, a TDR strategy specifies receiving zones within which the community is willing to accept higher densities in exchange for preserving the North Fields.

DISCUSSION

The Planning Commission discussed the following points:

- The TDR program priority was reviewed;
- Receiving zones are in downtown Heber City and in the Planned Community Mixed Use Zone;
- One constraint with using TDRs is the land value. Establishing land value is of key importance;
- Analysis for sending zones and receiving zones and proposal for the value of transfer were discussed; Wasatch Open Lands Board would oversee the transfer / state and federal funding to match. Would the City have say on that Board? There was a recommendation to negotiate an interlocal agreement for two representatives from Heber City to sit on that Board; or
- A surcharge on sale of land would go into perpetual fund. The surcharge would be 1/10 of 1%; this is called a transfer fee.
- Other options mentioned were to have a market study done or to shelve the TDR program and look at other options;
- Determine what the value is of the 1/10th of 1% ; Anthony Kohler was assigned to call the Wasatch Board of Realtors;
- The drawbacks of the TDR program; developers are passing off costs for water and sewer service and infrastructure to purchasers of property through special service districts in the County. If the City does use TDRs it may kill or hamper development where the City is trying to promote it. Wasatch County would have all the development if this were put into place. The thought was to focus purchasing at the higher density.
- The fairest approach would be a county wide transfer fee.

Item 6 **Discuss Form Base Codes**

Anthony Kohler explained that form base codes improve the pedestrian environment, bring the buildings to the street for a downtown feel and make it interesting. This is what he is proposing that the City do in the downtown area instead of the zoning that we have right now.

DISCUSSION

The Planning Commission discussed the following points:

- Appropriate building height for the downtown area;
- Possible mixed use in the residential areas to connect the east and west side of town;
- Transects, which are a walkable ½ mile and would not replace the zoning but would work with the zoning;
- Building form standards and street standards;
- Plaza standards;
- Architectural standards;
- The form base codes focus on:
 - Not separating land uses with emphasis on the streets to make them a walkable, enjoyable experience as opposed to a bland empty streetscape;
 - Tightknit transportation networks by defining small blocks which promote walkability;
 - Parking in the back and buildings brought up to the front and facing the front;
 - Walkable interconnected streets vs. contemporary auto-oriented street systems;
- This could be offered as an alternative in our commercial zones.
 1. Steps, amend Heber City General Plan; and
 - a. Visual preference survey;
 - b. Define the vision;
 - c. Site inventory;
 - d. Market analysis;
 2. Adoption of form based codes.

On the internet Envision Utah / Wasatch Choice for 2040 is promoting form based codes and has information for any who would like to become more familiar with form base codes. The Commission asked for more information on form base codes. Commissioner Zane moved to adjourn the meeting. Commissioner Thurber seconded the motion.

VOTE

	AYE:	NAY:	ABSTAINING:
Stacie Ferguson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darryl Glissmeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kieth Rawlings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Richards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Thurber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Webb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harry Zane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The motion carried and the meeting adjourned at 9:29 p.m.